

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

<b>KYLE J. JOHNSON,</b>	)	
Petitioner	)	<b>Civil Action No. 11-94 Erie</b>
	)	
v.	)	<b>Magistrate Judge Baxter</b>
	)	
<b>SUPERINTENDENT BRIAN V.</b>	)	
<b>COLEMAN, et al.,</b>	)	
Respondents.	)	

**REPORT AND RECOMMENDATION**

AND NOW, this 13th day of May, 2011, after Petitioner presented a petition for a writ of habeas corpus which he seeks leave to prosecute in forma pauperis, and it appearing that he has an average monthly balance of \$ 24.67 in his account at the State Correctional Institution at Fayette in LaBelle, Pennsylvania, which sum far exceeds the \$ 5.00 filing fee required to commence this action, and it further appearing that requiring the Petitioner to pay the filing fee will not deprive him of any necessities of life at the prison,

It is recommended that leave to proceed in forma pauperis be denied.

Petitioner shall have fourteen (14) days from the date of service in which to file written objections to this Report and Recommendation. Failure to file timely objections may constitute a waiver of any appellate rights.

S/Susan Paradise Baxter  
SUSAN PARADISE BAXTER  
United States Magistrate Judge

cc:        Kyle J. Johnson # GN-7765  
          SCI Fayette  
          P.O. Box 9999  
          LaBelle, PA 15450-0999